

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 09-41591

MELANIE HICKS, and  
RICHARD HICKS,

Chapter 13

Judge Thomas J. Tucker

Debtors.

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**ORDER DISMISSING CASE**

On January 23, 2009, Debtors filed a joint voluntary petition for relief under Chapter 13, and "Certificate[s] of Counseling" (Docket # 6), which state that on May 31, 2008, Debtors each received "an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111." No other credit counseling certificates have been filed in this case.

Debtors are not eligible to be debtors in this case under 11 U.S.C. § 109(h)(1). That section provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtors did not receive credit counseling *during the 180-day period preceding the date of the filing of their petition*. Debtors received credit counseling 237 days before their petition was filed. Accordingly, this case must be dismissed.

IT IS ORDERED that this case is DISMISSED.

**Signed on March 13, 2009**

**/s/ Thomas J. Tucker**

**Thomas J. Tucker  
United States Bankruptcy Judge**